



## State of New Hampshire

### PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Gorham Support Staff/NEA-NH

Complainant

v.

Gorham School District

Respondent

CASE NO. T-0377

DECISION NO. 88-06

#### APPEARANCES

##### Representing Gorham School District:

Bradley F. Kidder, Esq., Counsel  
Robert Bellavance, Superintendent of Schools

##### Representing Gorham Support Staff/NEA-NH:

John Fessenden, UniServ Director

#### BACKGROUND

A petition for certification of a proposed unit, in accordance with RSA 273-A:10, composed of support personnel; i.e., secretaries, aides, custodians and food service personnel, approximately 25 employees, was filed October 16, 1987 by a representative for the Gorham Support Staff, NEA-NH.

Exception to the inclusion of the Food Service Director was filed by Counsel for the Gorham School District:

"The basis for the exception is that the Director of the School Lunch program exercises supervisory authority involving a significant exercise of discretion"

therefore should be excluded in accordance with RSA 273-A:8, II/

A unit determination hearing was held in the Board's office in Concord on January 28, 1988 with both parties represented.

FINDINGS OF FACT

Testimony revealed that the Food Service Director:-

1. Spends at least 50% of the time in administration; i.e., budget preparation, purchase of supplies, negotiation of contracts with food vendors, etc.
2. Has full and sole authority to hire subs on a day by day or weekly basis; authority to discipline, approve sick leaves and time sheets; interview and recommend to the Superintendent new hires for a yearly contract in the lunch program.
3. Works different hours and work year than other lunch program employees.
4. Has total management for the food services and is responsible for her actions directly to the Superintendent.
5. Exercises full supervisory authority over all employees engaged in the lunch program at both schools and does work along with her co-workers.
6. Is authorized to commit the District to certain contracts on behalf of the lunch program.
7. Is involved and responsible for the collection and accounting of all monies for the program.
8. Is considered a second-level supervisor under the Superintendent, position which is comparable to the level of principals on the organizational chart, however in food services not in the educational level.

DECISION AND ORDER

The Director of the School Lunch program for the Gorham School District is considered to be supervisory in accordance with 273-A:8 and is excluded from the bargaining unit. The parties are ordered to proceed with the election as expeditiously as possible.

This order was issued verbally to the parties at the hearing.

  
EDWARD J. HASELTINE, Chairman

Signed this 16<sup>th</sup> day of February, 1988.

By unanimous vote. Chairman Edward J. Haseltine and Members Richard W. Roulx and Daniel Toomey present and voting. Also present, Evelyn C. LeBrun, Executive Director.